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Secretary
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

26 MAR 1993

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IN REPLY REFER TO:

8310-MEA
CN9301154

RECEIVED

MAR 29 1993

Honorable Earl Pomeroy
House of Representatives
318 Cannon House Office Building
Washington, DC 20515

Dear Congressman Pomeroy:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Thank you for your letter on behalf of Scott Braeger, General Manager, James Valley Electric Cooperative, Inc., Edgeley; and David Traiser, TV Division Supervisor, Souris River Telecommunications Cooperative, Minot, North Dakota, regarding implementation of the programming access provisions in the Cable Television Consumer Protection and Competition Act of 1992.

The 1992 Cable Act prohibits unfair or discriminatory practices in the sale of programming in order to foster the development of competition to cable systems by increasing access to programming by other multichannel video programming distributors. In the 1992 Cable Act, Congress instructed the Commission to adopt implementing regulations pertaining to program access. In accordance with the statute, the Commission invited comment on provisions that will govern access to multichannel video programming (Notice of Proposed Rulemaking

Congressional

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
03/11/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9301154	03/11/93	03/03/93	03/31/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
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COMMITTEES:
AGRICULTURE
BUDGET
D.S.G. EXECUTIVE COMMITTEE



Carl Pomeroy
Congress of the United States
North Dakota

MMB
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February 3, 1993

Roy Stewart
Chief, Mass Media Bureau
Federal Communications Commission
1919 M Street
Washington DC 20554

Dear Mr. Stewart:

I have received two letters from constituents inquiring about the FCC's Notice of Proposed Rule Making as it pertains to the Section 19 programming access provision of the recently passed cable bill. It would be beneficial to have input from the FCC on this issue. Enclosed are copies of the letters.

Thank you for your prompt attention to this matter.

Sincerely,

Earl Pomeroy
Member of Congress

EP:kt



Service-Our Only Product

JAMES VALLEY ELECTRIC

COOPERATIVE, INC.

Rural Route 2, Box 22

Edgeley, North Dakota 58433

Telephone 493-2281

February 2, 1993

The Honorable Earl Pomeroy
United States House of Representatives
Washington, DC 20515

Dear Congressman Pomeroy:

I am writing you to express my concern about the Federal Communications Commission's Notice of Proposed Rules Making (NPRM) that was released on December 24, specifically as it pertains to the Section 19 programming access provisions of the recently passed cable bill.

I am the General Manager of James Valley Electric Cooperative, a consumer-owned, not for profit rural utility that provides electric service to 2500 consumers in southeastern North Dakota. In our part of North Dakota, there are many consumers for whom cable service is unavailable due to their remoteness. The only way these consumers can receive television is by using a home satellite dish. Until now, these home satellite dish owners have been paying discriminately high rates for much of the programming they receive over their dish. The cost for this programming to home satellite dish distributors is on average five times more than what cable operators pay for it - a difference in price that is completely unjustifiable.

My utility, along with hundreds of utilities like it around the country, worked long and hard to secure the inclusion of the cable bill's Section 19 programming access provisions in order to protect our consumers from the cable industry's price-gouging. When the bill passed, we were understandably pleased and hopeful that the discrimination would stop.

This is why we are concerned by the tone of the FCC's NPRM on the subject. The FCC seems to have had some difficulty understanding Congress' intentions regarding the cable bill. The duty you charged the FCC with is simple: to issue rules that will encourage competition in the video marketplace by bringing an end to the already existing monopolistic pricing practices of many cable-owned programmers. Despite this clear mandate, the FCC issued an NPRM that doesn't even admit that price discrimination exists.

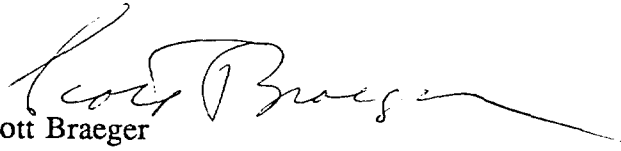
By writing this letter, I hope to impress upon you the reality of the price discrimination. For our consumers, it really is a dollars and cents issue. And it is completely unnecessary; it costs cable owned programmers and satellite carriers no more to serve the rural home dish market than the urban cable market.

I urge you to review the NPRM issued by the FCC on December 24 and help us ensure that rural residents of North Dakota are protected against price discrimination by lending your voice to our

Congressman Earl Pomeroy
February 2, 1993
Page 2

objection to this NPRM. I hope you will encourage the FCC to completely fulfill their duty to you and the citizens of this nation by issuing regulations which will encourage competition in the video marketplace and bring an end to the unjustifiable discrimination against the non-cable video marketplace by cable-owned programmers. On behalf of the thousands of home satellite dish owners living in rural North Dakota, I thank you for your support.

Sincerely yours,


Scott Braeger
General Manager

rms

3615 N. Broadway
PO Box 2027
Minot, ND 58702-2027



Phone: 701/722-3711
Fax: 701/722-2290

February 5, 1993

The Honorable Earl Pomeroy
United States House of Representatives
Washington, DC 20515

Dear Congressman Pomeroy:

This letter is intended to express my concern about the Federal Communications Commission's Notice of Proposed Rule Making (NPRM) that was released on December 24, specifically as it pertains to the Section 19 programming access provision of the recently passed cable bill.

I am the TV Division Supervisor of Souris River Telecommunications, a consumer-owned, not-for-profit rural utility that provides telephone service to approximately 12,000 farmers, ranchers and small town residents in a 10,000 square mile rural area in northwest North Dakota. We also provide cable TV service to approximately 1000 customers in 14 of these small communities and provide sales, service and signal authorization for about 2000 satellite TV system owners throughout rural northwest North Dakota.

The only access most of our rural area consumers have to the educational and entertainment services offered on cable TV systems is by using a home satellite dish.

Until now, these home satellite dish owners have been paying discriminatorily high rates for much of the programming they receive over their dish. The cost for this programming to home satellite dish distributors is considerably more than what cable operators pay for it - a difference in price that is completely unjustifiable.

My utility, along with hundreds of utilities like it around the country, worked long and hard to secure the inclusion of the cable bill's Section 19 programming access provisions in order to protect our consumers from the cable industry's price-gouging. When the bill passed, we were understandably pleased and hopeful that the discrimination would stop.

This is why we are concerned by the tone of the FCC's NPRM on the subject. The FCC does not seem to understand Congress' intentions regarding the cable bill. We believe the FCC was expected to issue